

**August 30, 2007 Minutes of
Bigfork Land Use Advisory Committee**

Committee members present: Darrel Coverdell, Mary Jo Naïve, Shelley Gonzales, Gary Ridderhoff, Paul Guerrant and Phil Hanson. There were 15 members of the public present.

Vice-Chairman Gonzales called the meeting to order at 4:00 PM, and called for adoption of the agenda. Agenda was approved. M/S Coverdell/Ridderhoff.

Minutes of the July, 2007 meeting were approved with corrections for spelling. M/S Hanson/Guerrant.

ADMINISTRATOR'S REPORT:

A. Sign Violations: Secretary Hanson reported Bigfork Auto Parts removed the portable manual changeable sign after receiving the letter. They were sent a thank you note. No status on the three violations forwarded to the Flathead County Attorney. After 30 days has elapsed, the Secretary will call Peter Steele and ask about the status.

B. Application Status: Mahlum/Zoning Variance was withdrawn. No report on Phelps Conditional Use Permit, C & G Properties/Zone Change, Planning Board recommended denial. The meeting with the Commissioners for Notice to Publish Public Hearing is scheduled for September 4, 2007, for a thirty-day public notice.

APPLICATIONS:

A. A Zone Change request in the Bigfork Zoning District by Johnson's Ranch LP, from AG-40 (Agricultural), to SAG-5 (Suburban Agricultural). The property is located at 290 Ramsfield Road.

STAFF: Eric Giles presented the application stating there were approximately 111 acres in the proposal. He displayed a map showing zoning patterns where the property is adjacent to other SAG-5 zoning as well as B-3 Zoning. Before development, the applicant would need to consider possible public infrastructure such as roads and water and sewer. The staff is recommending approval.

Gonzales: Is there any information from the DOT or BWS? A. No.

APPLICANT: Eric Mulcahy, Sands Engineering, presented the proposal. He stated the applicant is looking at the long term and is not considering a subdivision at this time. If the property is developed in 5-acre lots there will be onsite septic. The Flathead County Sanitation Dept. would inspect each installation.

Coverdell: The subdivision in the B-3 area does have water and sewer service available. Wouldn't that be available to this subdivision as well? A. BWS would have to run service through an easement in the B-3 property.

Gonzales: Is there any acreage in the 100-year flood plane? A. No

PUBLIC COMMENT:

Louvania Pickavance: We own the B-3 property. I'm concerned about potential access to this property. There is a utility easement through the cul-de-sac. A. (staff) Any access would have to be approved by the property owner.

Doug Tillett: I own property to the west and support the zone change.

Julie Spencer: The site could have access to water and sewer. The water service extends to Ramsfield Road and the Sewer service has been extended to the Catholic Church on Hwy 35.

Naïve: Could this subdivision be served by BWS? A. (Spencer) It's certainly an option. This area has not been annexed into the district.

PUBLIC COMMENT CLOSED

COMMITTEE:

Hanson: If the get approval for a zone change and apply for a PUD how many homes could be built on the property? A. (Giles) If the applicant chooses a PUD, there is a 50% density bonus after setting aside 60% for open space. The most that could be built is 30 units. The result would be 2-acre sites.

Ridderhoff: I would like to be recused from consideration of this application. (Ridderhoff then left the committee to sit in the audience).

Guerrant: Would the BWS run service through private property? A. (Spencer) If we had an easement, we could run service.

Hanson: I'm concerned about setting a precedent.

Naïve: I don't approve of a zone change just for the sake of a zone change. I much prefer to see a plan for the property.

Gonzales: I agree with Hanson and Naïve. In the BNP it was thought that this area would be appropriate for future outward growth and SAG-5 zoning.

Coverdell: I agree with that rationale.

Guerrant: I move to recommend approval of the application as presented. Coverdell second the motion. Motion passed unanimously.

OLD BUSINESS:

A. DEQ Requirements: Julie Spencer reported discussions with Steve Kilbreath from DEQ. The violations were removed from the Bigfork Marina condos. They are still looking at Branding Station. It was understood that Jewel Basin would not be an issue because it was grandfathered. The Bay View Condos were approved. There was no report on Fox Run. Spencer said it is important to come to an agreement on policies with DEQ.

Naïve: Has anything changed in the procedures with DEQ? A. (Spencer) We'll just have to ask more questions and have more communication with DEQ. An example of problems that can occur is Twin Birch Square. The service was not designed for a restaurant. When they put a restaurant upstairs, it caused flooding.

Sue Hanson: How can the planning office consider Jewel Basin grandfathered? What are the criteria for granting deeds? A. None?

B. Sign Violation Procedure: Consensus of committee is to leave the procedure as is and consider violations at regular monthly meetings.

NEW BUSINESS:

A. Rex Boller/Compression Brakes: Rex had not arrived. The committee moved to public comment while waiting for his arrival. Boller arrived about 5:10 PM. He described the history of his efforts to control compression braking through Lakeside. In 2002, he received the go-ahead to put up a sign by the Flathead County Commissioners. In 2004, the Flathead County advised him to make a sign and put it up, however, the MDOT took it down. In August of 2005, he discussed the problem with Jim Lynch, MDT Director, and was told it was an enforcement problem. He has also talked to legislators Bruggeman and Eastwood about a state statute to deal with the problem. In March of 2007, they installed a "test sign" which reads "Compression Brake Mufflers Required". He feels with the sign that 90% of the truckers will comply. Montana MCA 61.9.321 addressed the requirement for mufflers on compression brakes. Sheriff Meehan has indicated his department needs more definition (violation of decibels) in order to enforce the

law. The Federal law reads “less than 80 decibels as measured at 50 feet”. Boller is leaning more to finding a way to enforce the law rather than asking for more legislation. What is needed is a decibel reading device and officers qualified in the use of the device. It is felt that both the County Sheriff’s Office and the Highway Patrol would be able to enforce the federal law and state law if there were more definitive measuring of the violation. Another avenue is to contact the Montana Consensus Council to see about support for appropriate legislation.

Gonzales: Explained that there was a policy in the BNP regarding compression brakes. She has been told by the Planning Office that it is not enforceable. She asked if a letter or petition would be useful to be presented to the Flathead County Sheriff and the MDOT asking that they enforce the laws presently on the books. She also suggested that Boller bring the matter to the BSC.

Mike Richeson: Asked if they had considered using the news media.

PUBLIC COMMENT:

Chuck Gough: There will be a meeting regarding Impact Fees on September 17, 2007, beginning at 8:00 AM at the Earl Bennett building. The meeting is for the purpose of analyzing the needs for Impact fees and will include people from the road department, park/library department, water and sewer, emergency and fire departments. The public is invited to attend. Columbia Falls, Kalispell and Whitefish have instituted impact fees.

Pat Wagner: Reported the BSC had amended the bylaws to include the Past Chairman as an executive board member. Also, a workshop on the BNP will be held on September 13, 2007, Noon, instead of a Public Forum. The first hour will be a report from B J Grieve on suggested changes to the draft. The second hour will be discussion. A nominating committee for October elections has been selected.

Ralph Walton: Reported that Saddlehorn has submitted a preliminary plat for the second phase. The application should be reviewed at the November meeting of BLUAC. He reported that the comments on the Discovery Tower have been rewarding and validate the project. The building has a number of rooms that can be utilized by the public. He also noted that the Woods Bay project is nearing completion. The steel and concrete for the BBQ and Bar Pavilion has been installed which straddles the small lagoon. The store and gas facility will be available for public use. Dock work is planned for the inner lagoon. They have been wrestling with challenges at the bridge but expect to be finished by Thanksgiving.

Saddlehorn is roughing out roads on the mountain and utility infrastructure is ready to be installed. They have installed a trapper cabin and residential construction is ready to begin in the neighborhood cabins. Three property owners are ready to begin constructions on custom homes as soon as access and utility infrastructure is completed.

Meeting was adjourned at 5:35 PM

Sue Hanson
BLUAC Secretary